APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,993	04/11/2000	David Philip Tong	P2807	4578

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HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEEN ST.
DENVER, CO 80202

EXAMINER
FOULADI SEMNANI, FARANAK

ART UNIT	PAPER NUMBER
2672	11

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/546,993	TONG, DAVID PHILIP
	Examiner	**Art Unit**
	Faranak Fouladi	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _Amendment B filed on 18 December 2002_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on _30 July 2002_ is: a)☒ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other:	

DETAILED ACTION

1.   This action is responsive to communications: application, filed on 04/11/00;

Amendment A, filed on 07/24/02; Amendment B, filed on 12/18/02; and Change of

Address/Power of Attorney, filed on 01/22/03.

2.   Claims 1-8 are pending in the case, with claims 1, 3 and 6 being independent.

3.   New dependent claims 7 and 8 have been added.

4.   The present title of the application is "Method and Computer Program Product

for Reducing Colormap Flashing" (as originally filed).

5.   This action is made Final.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.   Claim 1,2, 5, 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, as

containing subject matter which was not described in the specification in such a way

as to reasonably convey to one skilled in the relevant art that the inventor(s), at the

time the application was filed, had possession of the claimed invention.

7.   In last 2 lines of the amended claim 1, "...a secondary lookup table for sorting

information received from the application program relating to the intercepted

request." has been claimed but this limitation has not been explained or disclosed in

the specification.

8. In line 3-5 of the new claim 7, "...when determined not a read-only request,

performing the storing and only performing the performing the closest match and the

returning when a space is not available in the secondary lookup table,.." has been

claimed but this limitation has not been explained or disclosed in the specification.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

10. Claim 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by

Young US patent 5,703,627 [Date of Patent 12/30/1997].

11. As per independent claim 1, "a method for reducing colormap flashing on a

display system, the display system having a frame buffer which provides a single

hardware colormap, the method comprising the steps of:

Intercepting a request from an application program for an allocation of a private

colormap; and transparently simulating the allocation of the private colormap using a

default colormap, wherein the default colormap is retained in the frame buffer during

the simulating and the simulating includes allocating a secondary lookup table for

sorting information received from the application program relating to the intercepted

request." Young discloses in col. 6 lines 57-62, col. 5 lines 2-5, and Abstract line 1-28.

Young discloses in col. 6 lines 57-62 that default colormap sharing is implemented at the time in which a client is defining its private colormap color values.

12. As per independent claim 6, "a method for reducing colormap flashing on a display system, the display system having a frame buffer which provides a single hardware colormap, the method comprising the steps of:

Intercepting a request from an application program for an allocation of a private colormap; and transparently simulating the allocation of the private colormap using a default colormap; and determining whether a private color cell has been requested by the application program and writing said private color cell to the default colormap." Young discloses in col. 6 lines 57-62, col. 5 lines 2-5, and Abstract line 1-28.

Young also discloses in col. 5 lines 57-62 that color values from private color map being copied into free cells of a shared default map.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young as applied to claim 1 above, and further in view of Aschenbrenner et al. [US 5406310].

15. As per dependent claim 2, " ...wherein said step of transparently simulating the allocation of the private colormap further comprises: storing in the secondary lookup table information received from said application program relating to one or more requested colors privately allocated by said application program, performing a closest match of said requested color to a color stored in said default colormap; and returning said closest match to said application program." Young disclose all the limitations set forth in claim 1 but Young does not teach performing a closest match of said requested color to a color stored in said default colormap.

Aschenbrenner et al. discloses col. 6 lines 22-31 and col. 6 lines 48-51 the process of finding the closest color match of requested color to a color stored in default colormap and returning said closest match to said application.

It would have been obvious to an ordinary person skilled in the art at the time of invention to combine the method for reducing color flashing of Young with the closest color matching of Aschenbrenner et al. to be able to always find a color for the image colors even if the colormap is full.

16.   Claims 3, and 4 recite a computer-readable medium storing a computer usable code storage medium for executing the method of claims 1 and 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the method of claims 3 and 4 as computer executable

instructions stored on a computer-readable medium so that the method of claims 1

and 2 can be ported to other computer systems.

Response to Arguments

17. Applicant's arguments filed 12/18/02 have been fully considered but they are not

persuasive.

18. Applicant argues on the 3rd paragraph of Page 3 that no new matter is introduced

by the Amendment with support found at least with reference to Figs. 4A, 4B, and 5

and associated text in the specification, but neither Figs. 4A, 4B and 5 nor the

associated text disclose or explain the new matter which is "...a secondary lookup

table for sorting information received from the application program relating to the

intercepted request." in amended claim 1 and "...when determined not a read-only

request, performing the storing and only performing the performing the closest

match and the returning when a space is not available in the secondary lookup

table,.." in new claim 7.

19. Applicant argues on the last few lines of page 3 and the 1st paragraph of page 4

that "...colormap flashing is prevented since the default colormap is retained in the

frame buffer, rather than being swapped out." but this is not the same as what the

last 2 lines of claim 3 disclose. In the last 2 lines of claim 3, "...whereby creation of

and swapping to the requested private colormap are not performed by the computer

program product." applicant just disclose that creation and swapping are not

performed by the computer program product but does not rule out the concept of

swapping. In addition if the program does not swap the private colormap for the single hardware colormap then what does? The system before this program would not swap a private colormap for the hardware colormap, and if it did then there is no invention.

20. Applicant argues on the 1st paragraph of page 5 that Young fails to teach the creation of a secondary lookup table for storing information from an applications request for a private colormap, it was argued in item # 18 of this office action that this is a new matter and was not disclosed or described in the specification.

21. Applicant argues on the 3rd paragraph of page 5 that claim 6 is directed to a method similar to claim 1 but calls for "determining whether a private color cell has been requested by the application program and writing said color cell to the default colormap." Young discloses in col. 6 lines 57-62, col. 5 lines 2-5, and Abstract line 1-28. Young also discloses in col. 5 lines 57-62 that color values from private color map being copied into free cells of a shared default map.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply

expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the

    examiner should be directed to **Faranak Fouladi** whose telephone number is

    703-305-3223. The examiner can normally be reached on Mon-Fri from 8:00-

    4:30.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

    supervisor, **Michael Razavi** can be reach at **703-305-4713**.

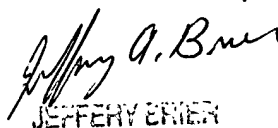25. **Any response to this action should be mailed to:**

    Commissioner of Patents and Trademarks

    Washington, DC. 20231

26. **Or faxed to: 703-872-9314 (for Technology Center 2600 only)**

    Hand-delivered responses should be brought to Crystal Park II, 2121

    Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

27. Any inquiry of a general nature or relating to the status of this application or

    proceeding should be directed to the Technology Center 2600 Customer Service

    Office whose telephone number is 703-306-0377.

Faranak Fouladi-Semnani
Patent Examiner
Art Unit 2672

JEFFERY CHIEN
PRIMARY EXAMINER